



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Umesh AMIN et al.
SERIAL NO: 09/828,859
FILING DATE: April 10, 2001
TITLE: METHOD AND SYSTEM FOR PROVIDING POWER TO A
COMMUNICATIONS DEVICE
ART UNIT: 2682
EXAMINER: Lee NGUYEN

Mail Stop AF
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

The above-identified application having been finally rejected in the Office Action mailed January 25, 2005, the Applicant respectfully submits this Pre-Appeal Brief Request for Review. A Notice of Appeal is concurrently submitted herewith.

Remarks/Arguments

Claims 1-50 are pending in the application. Claims 4-6, 9, 10, 21-38 and 43 have been withdrawn from consideration pursuant to a restriction requirement by the Examiner. Claims 1-3, 7, 8, 11-20, 39-42 and 44-50 stand rejected.

The rejection of claims 1-3, 7, 8, 11-20, 39-42 and 44-50 under 35 USC 103(a) as being unpatentable over Tam (US 5,526,403) in view of Heo (US 5,400,388) should be withdrawn.

The combination of Tam and Heo does not suggest a communication device that communicates through a first communication network and is supplied with a normal operating power through a second communication network as recited in various forms in each of independent claims 1, 7, 14, 18, 39, 44 and 50.

Tam

The Tam reference relates to a wireline interface purported to let a cellular telephone transceiver communicate via both cellular and wireline services. However, nowhere does Tam suggest that the cellular telephone transceiver receives operating power from a wireline network while communicating via a cellular network.

The latter point is acknowledged by the Examiner. See, e.g., the Office Action mailed January 25, 2005, page 4, item 6, lines 11-13. It is noted that the Examiner, in making this acknowledgement, appears to include an extraneous limitation: "Tam fails to teach that the second communication network can provide a normal operation power to the communication unit *in the event of power outage*" (emphasis added). The limitation "in the event of power outage" is not claimed.

Heo

Heo is cited as supplying the disclosure acknowledged be absent from Tam. Specifically, the Examiner states:

"According to Heo, land-based public switched telephone network to provide power to the communications unit in the event of power outage (col. 3, lines 24-30, 58-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Heo to the system of Tam in order to continuously provide power to the communication unit when there is no power supply in the communication unit in the event of power outage."

(Office Action mailed January 25, 2005, page 4, item 6, lines 13-16 to page 5, lines 1-4.)

Assuming the "communications unit" referred to in the above statement is Heo's radio communication circuit 40, the statement is clearly in error. The radio communication circuit 40 never receives operating power from a land-based public switched telephone network. Rather, the sole operating power for the radio communication circuit 40 is a DC voltage, Vcc1, obtained from a rectified AC voltage from power supply jack 72. See, e.g., col. 3, lines 39-45 and FIG. 1.

If the Vcc1 power supply fails, the radio communication circuit 40 no longer operates. Rather, a wire telephone is then used *instead* of the radio communication circuit. See, e.g., col. 3, lines 49-63:

"In this case, a low state signal is applied to the voltage sensing terminal Pd2 of the main controller 60 and a *supply voltage is not supplied* to the radio communication circuit 40 ... Accordingly, the line controller 10, the MOH generator 20, the telephone circuit 30, the hold off sensor 50 and the main controller 60 continue their operations, *while the radio communication circuit does not continue operation ...*"

(Emphasis added.) The loss of power to the radio communication unit is sensed and therefore the wire telephone is engaged in its place:

"If the power is off while engaged in the call, the main controller 60 senses power-off, holds on the telephone line L and turns on the MOH generator to generate the MOH ... The user continues the call by hooking off the wire telephone."

See Heo at col. 3, line 68 to col. 4, line 11.

In view of the foregoing, Heo simply does not disclose "land-based public switched telephone network to provide power to the communications unit in the event of power outage" as alleged by the Examiner. Further, it is again noted that the claims do not recite "in the event of power outage," although this is pointed out only for clarity since a land-based public switched telephone network does not provide operating power to the radio communication circuit of Heo in *any* event.

Conclusion

In view of the foregoing, Tam and Yeo cannot yield a device that receives normal operating power from one network and communicates via another. Accordingly, the

Applicant respectfully submits that independent claims 1, 7, 14, 18, 39, 44 and 50 are allowable over Tam and Heo. Moreover, because the dependent claims include the recitations of one of the independent claims, the dependent claims are likewise allowable over Tam and Heo for at least the reasons discussed in connection with the independent claims. Favorable action on this Pre-Appeal Brief Request for Review is therefore respectfully requested. Further, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: JULY 25, 2005

By:


William E. Curry
Reg. No. 43,572

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax:(202) 220-4201